

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LYLE BREHM, on behalf of Willard F. )  
Brehm, Gladys M. Brehm, the Willard F. )  
Brehm Revocable Trust and the Gladys )  
M. Brehm Revocable Trust, REX )  
WELDON, on behalf of Nancy Weldon, )  
Robert Clark Weldon and the Robert )  
Clark Weldon and Nancy Weldon Trust, )  
JILL SCHUNEMAN, on behalf of herself )  
and the Jill Schuneman Living Trust, )  
and DAVID BUCKLEY, on behalf of )  
himself, the Robert L. McKissick )  
Irrevocable Trust and the Brenda L. )  
Buckley Revocable Trust, collectively on )  
behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

v. )

CAPITAL GROWTH FINANCIAL, LLC, )  
REBECCA ENGLE, BRIAN )  
SCHUSTER, ENGLE & SCHUSTER )  
FINANCIAL, INC., AMERICAN )  
CAPITAL CORPORATION, ROYAL )  
PALM CAPITAL GROUP, INC., ALAN )  
JACOBS, MICHAEL JACOBS, )  
GERALD PARKER, JOHN BOYCE, )  
GERALDINE MAGALNICK, PATRICK )  
HARRINGTON, PETER KIRSCHNER, )  
and STARK WINTER SCHENKEIN & )  
CO., LLP, )

Defendants. )

8:07CV254

ORDER

This matter is before the court on a motion to reconsider filed by defendant Stark Winter Schenken and Co., LLP ("Stark Winter"). Filing No. 169. Stark Winter seeks reconsideration of the court's order denying as moot Stark Winter's earlier motion to dismiss by reason of the filing of an amended complaint. The record shows that Stark

Winter has reasserted its motion with respect to the amended complaint. See Filing No. 182. Accordingly,

IT IS ORDERED:

1. Stark Winter's motion for reconsideration (Filing No. 169) is denied.
2. Stark Winter's motion to dismiss for lack of jurisdiction (Filing No. 22), together with briefs and evidence in connection therewith, are deemed reasserted with respect to plaintiffs' First Amended Complaint in Filing No. 182.
3. The provisions of the court's order on jurisdictional discovery (Filing No. 128) remain in force.

DATED this 7<sup>th</sup> day of March, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge